

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, April 21, 2016
EXECUTIVE SESSION 6:30 P.M.
WORK SESSION / REGULAR MEETING 7:00 P.M.

Notation of Exits
Pledge of Allegiance

Present: Supervisor Tony Hay
Councilwoman Elizabeth Hudak
Councilwoman Lynne Eckardt
Councilman Robert Cullen
Councilman Edwin Alvarez

Also: Town Clerk Michele Stancati
Town Attorney Willis H. Stephens Jr.

And: 4 Persons

EXECUTIVE SESSION

Supervisor Hay made a motion to open the Executive Session and Councilwoman Hudak seconded. All in favor.

Supervisor Hay made a motion to close the Executive Session where no decisions were made and Councilwoman Hudak seconded. All in favor.

WORK SESSION

There was nothing scheduled at this time for discussion.

REGULAR MEETING

Supervisor Hay made a motion to open the Regular meeting and waive the reading of the Correspondence. Councilman Cullen seconded. All in favor.

CORRESPONDENCE

Correspondence Received

1. John Bairos to Kathleen Burgess Re: COMCAST Programming Update
2. Barbara Wylie to Ron Hund Re: Kent Supply Company Account for TOSE
3. Donald Smith to Supervisor Hay Re: Teen Driver Safety Awareness Month, 4/16
4. NYSIF to TOSE Re: Workers' Compensation Ins.-VRI Environmental Services. Inc
5. Steve Curlen to Supervisor Hay Re: NYMIR Recommendations for TOSE
6. NYSIF to TOSE Re: Workers' Comp. Ins.-Hudson Valley Contracting Group Inc.
7. NYSIF to TOSE Re: Workers' Comp. Ins.-Kent Countryside Nursery Inc.
8. Office of the State Comptroller to TOSE Re: Justice Court Fund-2/16
9. Ray Teetsel to SE Dog Control Re: Town of Bedford Justice Court-A Dangerous Dog Hearing
10. Marilee Calhoun to Michele Stancati, TC Re: Notification of Dogs Harbored in your Municipality
11. NYSIF to TOSE Re: Workers' Comp. Ins.-Elite Electrical Enterprises Inc.
12. Bill Nulk to Supervisor Hay Re: PC Chamber of Commerce Annual Forum
13. Andrew Stor to Supervisor Hay Re: (3) WWTP Compliance Inspections-Brewster Heights, Blackberry Hills & Peach Lake Environmental Ctr.
14. Joseph Klimek, EFPR Group to Supervisor Hay Re: Auditing Services
15. NYSIF to TOSE Re: Workers' Comp. Ins.-VRI Environmental Services Inc.
16. ACORD to TOSE Re: Liability Ins.-Total Firearm Techniques, Inc.
17. ACORD to TOSE Re: Liability Ins.-VRI Environmental Services Inc.
18. Medley Broege to Supervisor Hay Re: PC Legislative Forum for People with Disabilities-4/16/16
19. Bizcon to TOSE Re: Official Opening of PC Bizcon
20. Putnam County to TOSE Re: Real Property Tax Service Contract
21. Jack Moodie to Supervisor Hay Re: Full Value of the Special Franchise Property on the Levy Roll
22. David Orr/Gerald Geist to Supervisor Hay Re: 2016 Highway School-6/6-8/16
23. Dept. of Taxation & Finance to TC Re: Training Requirement-BAR Member
24. Dept. of Taxation & Finance to Supervisor Hay Re: Tentative Special Franchise Full Value
25. Anthony Scannapieco/Catherine Croft to Supervisor Hay Re: 2016 Presidential Primary Election
26. NYSIF to TOSE Re: Workers' Comp. Ins.-Folkes Heating, Cooling & Burner Services Inc.
27. Mark Mannix to Supervisor Hay Re: Metro-North Railroad New Schedule
28. NYSIF to TOSE Re: Workers' Comp. Ins.-James Ford Plumbing
29. Michael Liguori to Mike Levine/TOSE Re: Complaint for Illegal Conversion of Commercial Structure to Residential Use and Grading on Property Lines-7 Shady Lane
30. Carolina Gutierrez to TOSE Re: (2) Metro-North Commuter Railroad Ins.-SE Brewster N & Brewster Station
31. Association of Towns to TC Re: 2016 Constitution and Bylaws & 2016 Legislative Program
32. ACORD to TOSE Re: Liability Ins.-BBL Albany Group V
33. ACORD to TOSE Re: Liability Ins.-Clove Excavators Inc.
34. NYSIF to TOSE Re: Compensation Ins.-Kent Countryside Nursery Inc.
35. John Bairos to Kathleen Burgess Re: Comcast-Programming Update
36. John Bairos to Kathleen Burgess Re: Comcast Programming Contracts
37. Douglas Zimmerman to Supervisor Hay Re: EFPR Group Auditing Services
38. NYS of Health to TOSE Re: Official Health Plan Marketplace

39. Rick Tofte to Supervisor Hay Re: 2016 Parade
40. Veterans of Foreign Wars to TC Re: NYS Gaming
41. Edward Harney, Spectra Energy to TOSE Re: Algonquin Gas Transmissions Notifying the Town of Activity
42. Assemblyman Katz to Putnam & Westchester County Re: Consolidated Highway Improvement Program (CHIPS) Figures
43. John Bairos to Kathleen Burgess Re: Comcast Digital Preferred and Digital Premier Services
44. Senator Murphy to Supervisor Hay/TC Re: 2016 Legislative Session
45. NYSIF to TOSE Re: Workers' Compensation Ins.-James Ford Plumbing & Heating Co., Inc.
46. ACORD to TOSE Re: Liability Ins.-Donald Thomas Harvieux, Thomas Grace Construction, Inc.

Foils

- Patricia Stam to Bldg. Dept. Re: CO's & Violations-6002 Applewood
- Kenneth Von Berger to Bldg. Dept. Re: Survey & Plans-36 Peach Brook Lane
- Ted Becetta to TC Re: CO's-33 Brewster Woods Dr.
- Susan King to Bldg. Dept. Re: Survey-51 Mountain Brook
- Steve Verdibello to Bldg. Dept. Re: Files-468 Tonetta Lake Rd. & 12 Spring Lane
- Christopher Paleo to Bldg. Dept. Re: Plans-11 Stonehollow Dr.
- Michael Locke to Bldg. Dept. Re: File-104 Enoch Crosby Rd.
- Hattie Chamberlain to TC Re: File-101, 102, 401, & 402 Village Dr.
- John LePino to Plng. Brd. Re: Special Permit-Motor Vehicle Dealership, 1024 Rt. 22
- Peter Levy to Bldg. Dept. Re: File-116 Allview Ave.
- Alfredo Rels to Bldg. Dept. Re: File-2202 Dunhill Dr.
- Paul Lynch to Plng. Dept. Re: File-Gasland Petroleum
- Anne Beall to Plng. Brd. Re: File-Bravcore
- Vanessa Longo to Bldg. Dept. Re: CO's, Permits & Violations-5002 Applewood Circle
- Joe Canavan to Bldg. Dept. Re: File-3 Penny Lane
- Karla Juror to Bldg. Dept. Re: File-1 Shady Lane
- Denise Giordano to Bldg. Dept. Re: CO's, Permits & Surveys-33 Bloomer Rd.
- Ed. Teyber to Plng. Dept. Re: Approval Resolution for New Cingular Wireless Telecommunications Tower at 230 Peach Lake Rd.
- Cary Robinson to TC Re: Marin v. TOSE
- Kim Ashley to Bldg. Dept. Re: File-1505-1525 Rt. 22
- Lisa Tremblay to Bldg. Dept. Re: File-95 Tonetta Lake Way
- Charles Maddocks to Bldg. Dept. Re: Survey-17 Turk Hill
- Jorge Raminez to Bldg. Dept. Re: Survey-14 Ruby Lane
- Erik Toto to Bldg. Dept. Re: File-30 Paddock Farm Rd.
- James Mulligan to Bldg. Dept. Re: File-50, 60, 105-111 & 100-126 Independent Way
- Robert Molloy to Bldg. Dept. Re: Survey-188 Joe's Hill Rd.
- Betsy Schildwachter to Bldg. Dept. Re: File-22 Gage Rd.
- Peter Levy to Bldg. Dept. Re: File-116 Allview Ave.
- Carol Ann Howe to Bldg. Dept. Re: Survey-36 South Dr.
- Filiz Dalo to TC Re: CO's, Permits & Flood Zone-1 Shady Lane
- Lisa Ferry to Bldg. Dept. Re: File-3 Penny Lane
- Denise Moccio to Bldg. Dept. Re: Survey-1 Waterview Lane

- Lisa Tremplay to Bldg. Dept. Re: File-217 Dingle Ridge Rd.
- Ann Fanizzi to TC Re: Correspondence for Maco, Crossroads 312 & Barrett Hill
- Thomas Furlas to Bldg. Dept. Re: File-9 Cavillion Rd.
- Houlihan Lawrence Realty to Bldg. Dept. Re: File & CO's-30 Salmon Hollow Rd.
- Weichert Realty to Bldg. Dept. Re: File-78 Karlsen Lake

Emails

1. Resident to Levon Bedrosian Re: Springhouse Water Quality
2. Tom Fenton to Mark Rosa Re: County Projects in Southeast
3. Tom Boissonnault to Jim Schoenig/Supervisor Hay Re: Removing Fence at Wells Park
4. Melanie Changra to TC Re: Independent Sewerage Works (ISW)-Revised Rate Petition for Eveready Diner
5. Resident to Supervisor Hay Re: Conditions at 444 Rt. 312-Brewster Auto Salvage
6. Resident to Edwin Alvarez Re: Homeless Situation in Southeast
7. Tom Boissonnault to Supervisor Hay Re: Locks at Wells Park
8. Carol Cavallaro to Supervisor Hay Re: DOT Construction Work on Rt. 312
9. Steve Coleman to TOSE Re: 63 Fields Ln.-Pathway & Wetland Review
10. Supervisor Hay to Pete Fragiacomio Re: Brewster Little League 2016 Schedule
11. Tier II Chemical Reports to Supervisor Hay Re: Emergency & Hazardous Chemical Inventory Reports
12. Stephen Lewis to Supervisor Hay Re: TOSE v. Simon's Auto Wreckers, Inc.
13. NYSTCA Notices to TC Re: Health Ins. For Newly Married Couples
14. Ken Clair to TOSE Re: NYSDOT Special Meeting-4/2/16
15. Supervisor Hay to Al Natoli Re: Town Board Mtg. on Website
16. Levon Bedrosian to Supervisor Hay Re: Birch Hill Resident Billing
17. John Duncan to TOSE Re: Bob Palmer Day-4/30/16
18. Al Natoli to TOSE Re: ISW Rate Review, Filing by Home Depot
19. Laurie Bell to TOSE Re: Cojax Construction Settled Cert.
20. Supervisor Hay to Bob Zubrycki/Olenna Truskett Re: Cultural Arts Coalition Lease
21. Supervisor Hay to Judy Marano/Bob Zubrycki/Olenna Truskett Re: Future Billing for TOSAC
22. Willis Stephens to Putnam Press Times Re: Public Hearing Notice-4/18/16
23. Amy Campanaro to Southeast Museum Re: Spring Events at the Museum
24. Bill Richardson to TC Re: 2015 NYC Drinking Water Supply & Quality Report
25. Mike Levine to Stephen Lewis/Supervisor Hay/Mike Bruen Re: Oil/Fluids on Old Mine Rd.
26. Resident to Supervisor Hay Re: Roadside Garbage Pickup on Zimmer Rd.
27. Levon Bedrosian to Supervisor Hay Re: Blackberry Sewer Annex
28. Nikhilesh Thaker to Dina Colavito Re: Hudson Valley Transportation Mgmt. Ctr. Road Work Form
29. Dina Colavito to Supervisor Hay Re: Tentative Schedule for Rt. 312 Maintenance
30. Reinaldo Torres to Supervisor Hay Re: Solar City Signed Contract
31. Laureve Wilson to TC Re: Info. Needed on Death Certificates
32. Supervisor Hay to Peter Hansen Re: DEC Wells Park Bill
33. Ken Clair to TOSE Re: Children's Safety Fair-5/14/16
34. Linda Bull to TC Re: Providing Access to Your Records Workshop-4/7/16

35. Elizabeth Green to TC Re: April 2016 Calendar
36. Tom Fenton to TOSE/Planning Dept./Ashley Ley/Steve Coleman Re: Referral for Special Permit-5 Shady Lane
37. Dina Colavito to Supervisor Hay Re: Update on DOT Construction Work on Rt. 312
38. Bob Cullen to Levon Bedrosian Re: Status of Ballparks for Little League Parade
39. Richard O'Rourke to Supervisor Hay Re: Discussion & Decision on ISW Sewer Rates Mtg.
40. Lynn Eckardt to Supervisor Hay Re: SE CHIPS Money
41. Tom Fenton to Mike Levine/Supervisor Hay Re: Issues with Lakeview Plaza-1515 Rt. 22

Correspondence Sent

1. Laurie Bell to Resident Re: 45.-1-4 Single Family with Accessory Apt. v. Two Family Description
2. TOSE to NYS Dept. of Labor Re: Employee
3. Mike Levine to Resident Re: Doing Work Without Permit-68.5-2-8
4. Mike Levine to Resident Re: Notice of Violation/Property Maintenance-56.-1-45-2501
5. TC to Resident Re: Registering a Dog
6. TC to Insite Engineering Re: Public Hearing for Special Permit-Brewster Ford
7. Joe Hernandez to TOSE Re: Building Permit-Studio Around the Corner Cultural Arts Coalition
8. Supervisor Hay to Marie DePalo, Capital Market Advisors Re: Audit of TOSE Financial Statements
9. Supervisor Hay to Stephens Law Firm & Stephens, Baroni, Reilly & Lewis, LLP Re: Audit of TOSE Financial Statements
10. Mike Levine to Resident Re: Driveway Landscaping Improvements-47.-3-9
11. Mike Levine to Resident Re: Notice of Violation-Deck Replaced-68.19-1-31
12. Bonnie Colombo to Supervisor Hay Re: Fees in Reserve & Collected in 3/16
13. Mike Levine to Fields Lane Properties Re: Notice of Violations/Property Maintenance-78.-2-14

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$685,142.28. Councilman Alvarez seconded. All in favor.

MEETINGS

Supervisor Hay made a motion to set the following meeting dates and Councilman Alvarez seconded. All in favor.

All meetings will be held at 1360 Route 22, Brewster, NY 10509 at 7:00 P.M. unless otherwise noted.

Thursday, May 5, 2016 – Work Session / Regular Meeting

Thursday, May 19, 2016 – Work Session / Regular Meeting

BUDGET TRANSFERS

Supervisor Hay made a motion to approve the Budget Transfers and Councilman Alvarez seconded. All in favor.

RESOLUTION NO. 29 / 2016 SPECIAL PERMIT REQUEST BREWSTER FORD – 1024 ROUTE 22

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Cullen

WHEREAS, BREWSTER FORD (VOLZ AUTO GROUP) owner of premises located at 1024 Route 22, Tax Map No. 68.5-2-32, (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow the continued operation of an existing retail automobile dealership and service facility which is the subject of a project development plan before the Planning Board; and

WHEREAS, the Subject Premises are located in an NB Zone; and

WHEREAS, Automotive Dealerships are only permitted in an NB zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board finding that the proposal of Brewster Ford is in compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act (“SEQRA”) has issued a Negative Declaration, thereby concluding review under SEQRA; and

WHEREAS, a duly noticed public hearing was held by the Town Board on April 7, 2016 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;

2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both

pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous, provided the conditions set forth herein are incorporated in any final approval;

3. The exterior appearance of proposed structures will not hinder or discourage the development and use of adjacent land and buildings; and

4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to BREWSTER FORD (Volz Auto Group) in connection with the Subject Premises in accordance with Statement of Use prepared and submitted to the Planning Board in connection with this Project Development Plan application and incorporated herein by reference, on the following conditions:

1. The applicant shall operate the facility in compliance with all conditions set forth in Article X of the Zoning Code; and

2. All signs or advertising in connection with the subject enterprise shall comply with the provisions of the Zoning Code.

3. In an effort to mitigate any adverse impact of the project may have on pedestrian and vehicular traffic in the vicinity, any final approval by the Planning Board shall contain a condition that the Applicant shall provide for adequate off-site parking for employees. No certificate of occupancy or certificate of compliance shall be issued for the reconstructed facility until a duly executed agreement between Brewster Ford and the owner of the off-site employee parking location in a form satisfactory to the Town Attorney is on file with the Planning Board and Building Department.

4. The Planning Board shall employ the advice of its engineering and design professionals to mitigate any adverse drainage and storm water discharge upon adjacent roads and properties, and shall ensure sufficient lateral support to adjoining properties affected by the improvements proposed on the Subject Premises. Such mitigation measures shall be incorporated into any final approval of the foregoing Project Development Plan application.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the owner or representative of the Subject Premises and to the Secretary of the Town of Southeast Planning Board, forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 30 / 2016 AMENDING TOWN FEE SCHEDULE
RENTAL HOUSING REGISTRATION

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak

WHEREAS, a Local Law having been enacted for the registration of rental housing units within the Town; and

WHEREAS, such enactment provides for fees to be paid in connection with such registration; and

WHEREAS, it has come to the Board's attention that the fee schedule may be unduly onerous when applied to multiple rental housing units contained in separate structures on the same tax lot.

NOW, THEREFORE, BE IT

RESOLVED, the Supervisor and the Town Clerk be and hereby are authorized to make such modifications to the 2016 Town Fee Schedule to clarify that the sliding fee schedule for multiple units shall apply to all units located on the same tax lot, regardless of whether they are located in the same or separate buildings; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to publish the amended Fee Schedule on the Town's Web Site; and (b) circulate such amended fee schedule to all affected Town Departments.

UPON A ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution passed, by a vote of 5 , to 0 , 0 abstained.

SUPERVISOR'S FINANCIAL REPORT

Supervisor Hay stated that we are still early in the season but everything is going good. We have a good budget except for outside counsel, which continues to grow. We may need to make an adjustment in our budget for next year.

MOTION TO SET PUBLIC HEARING

Supervisor Hay made a motion to waive the rules to set a Public Hearing. Councilman Alvarez seconded. All in favor.

Supervisor Hay made a motion to set a Public Hearing on May 19, 2016 for a Special Use Permit for McLain Ward at 2-12 Castle Hill Lane. Councilwoman Hudak seconded. All in favor.

PUBLIC COMMENT

Carla Lucchino asked a question about the wording of the Brewster Ford Resolution and Town Attorney Stephens stated that the wording is adequate.

Peter Bell thanked Councilwoman Eckardt and everyone who participated in the Town Wide Cleanup.

Assessor Laurie Bell stated that aside from coffee cups littered on Putnam Lake Rd, there was a lot of dog waste. Please don't litter and pick up after your dogs!

TOWN BOARD COMMENT

Councilwoman Eckardt stated that she had a meeting with the Chamber of Commerce on Sunday and they will try to work with the County for Public Service Announcements to get the word out about Town wide cleanup day. She also thanked Highway Superintendent Michael Bruen for helping give out supplies and continuing the cleanup throughout the year. There were over 100 residents this year and Cub Scout Pack One was also there to help. Councilwoman Eckardt said she would like to have a second clean up this year. All the Earth Day art work is being displayed at The Studio Around The Corner, and thanks again to Irene Othmer for getting her students involved in another successful contest. Awards will be given out at an upcoming meeting.

Supervisor Hay asked the residents to please make an effort to keep the roads clean and if you see something, let the Town know. Also, if anyone has any nice pictures of the Town, send them in and they can be put on the website.

Councilman Alvarez made a motion to close the meeting and Councilwoman Hudak seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk